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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,241	07/22/2003	Travis J. Parry	200207325-1	8613

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INTELLECTUAL PROPERTY ADMINISTRATION		
FORT COLLINS, CO 80527-2400		

EXAMINER	
MILIA, MARK R	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
12/20/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/625,241

Applicant(s)

PARRY ET AL.

Examiner

Mark R. Milia

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 27-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of claims 1-6 and 32-37, while amending claims 27-31 to depend from claim 1, in the reply filed on 10/5/07 is acknowledged.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 4, reference numeral **(202)**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 32-34, and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,332,062 to Phillips et al.

Regarding claim 1, Phillips discloses a method of providing web content to a printing device, said method comprising attaching a memory module storing said web content to a printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30).

Regarding claim 32, Phillips discloses a consumable for use with a printing device, said consumable comprising: a printing device consumable (see Figs. 2 and 3 and column 3 lines 10-12), a memory module attached to said printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30), and web content stored on said memory module (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30).

Regarding claim 2, Phillips further discloses installing said printing device consumable in said printing device (see Figs. 2 and 3, column 2 lines 8-18, and column

3 lines 21-30) and interfacing said printing device and said memory module (see column 3 lines 45-65).

Regarding claim 3, Phillips further discloses uploading said web content from said memory module to a memory of said printing device (see Fig. 3, column 3 line 66-column 4 line 5, and column 4 lines 57-60).

Regarding claim 4, Phillips further discloses uploading a web content interface from said memory module to a memory of said printing device (see Fig. 3, column 3 line 66-column 4 line 5, and column 4 lines 57-60).

Regarding claim 5, Phillips further discloses executing said web content interface with a controller of said printing device (see Figs. 3 and 4 and column 4 line 42-column 5 line 38).

Regarding claim 6, Phillips further discloses using said web content on said memory module through said web content interface (see Figs. 3 and 4 and column 4 line 42-column 5 line 38).

Regarding claim 33, Phillips further discloses a wireless interface for said memory module for interfacing and communicating with a printing device (see Fig. 3 (36) and column 3 lines 45-65).

Regarding claim 34, Phillips further discloses wherein said wireless interface comprises a radio frequency interface (see Fig. 3 (36) and column 3 lines 45-65).

Regarding claim 36, Phillips further discloses a wired interface for said memory module for interfacing and communicating with a printing device (see column 3 lines 36-38).

Regarding claim 37, Phillips further discloses a web content interface stored on said memory module which, when uploaded to a printing device, allows access and use of said web content on said memory module (see Figs. 2 and 3, column 2 lines 8-18, column 3 lines 21-30, column 3 line 45-column 4 line 5, and column 4 lines 57-60).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips as applied to claim 1 above, and further in view of U.S. Patent No. 6,532,351 to Richards et al.

Regarding claim 27, Phillips discloses the ability to write content to the RFID memory module from a printing device or any device with an interrogating device (see column 3 lines 45-52) and storing said web content on said memory module attached to said printing device consumable (see Figs. 2 and 3, column 2 lines 8-18, and column 3 lines 21-30).

Phillips does not disclose expressly receiving data specifying desired web content from a purchaser of a printing device consumable.

Richards discloses receiving data specifying desired web content from a purchaser of a printing device consumable (see Fig. 2, column 4 line 4-column 5 line 32, column 6 lines 10-16, and column 7 lines 36-64, reference states that any number of items can be stored on the memory module prior to shipping the printing device consumable).

Phillips & Richards are combinable because they are from the same field of endeavor, memory modules attached to printing device consumables.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the specifying of desired content from a purchaser of a printing device consumable, as described by Richards, with the system of Phillips.

The suggestion/motivation for doing so would have been to provide stored content that will aid a user in using a printing device and therefore increase overall system efficiency.

Therefore, it would have been obvious to combine Richards with Phillips to obtain the invention as specified in claim 27.

Regarding claim 28, Richards further discloses providing said printing device consumable with said memory module to said purchaser (see column 7 lines 36-64).

7. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips and Richards as applied to claim 27 above, and further in view of U.S. Patent Application Publication No. 2005/0240518 to Ishizuka.

Regarding claim 29, Phillips and Richards do not disclose expressly wherein said receiving data specifying said web content from a purchaser comprises receiving said web content through a terminal at a consumables sales facility.

Ishizuka discloses wherein said receiving data specifying said web content from a purchaser comprises receiving said web content through a terminal at a consumables sales facility (see paragraphs 20-21).

Regarding claim 30, Phillips and Richards do not disclose expressly wherein said receiving data specifying said web content from a purchaser comprises receiving said web content from said purchaser through a computer network.

Ishizuka discloses wherein said receiving data specifying said web content from a purchaser comprises receiving said web content from said purchaser through a computer network (see paragraphs 20-21).

Phillips, Richards, & Ishizuka are combinable because they are from a similar field of endeavor, printing device consumable that are purchased by a user/customer/purchaser.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the system of purchasing a printing device consumable, such as a toner/ink cartridge via a terminal connected over a network to a manufacturer/sales facility, as described by Ishizuka, with the system of Phillips and Richards.

The suggestion/motivation for doing so would have been to enable a user to purchase the correct consumable item by providing the appropriate information and

having the item shipped to the user, which is well known in the art and commonly utilized.

Therefore, it would have been obvious to combine Ishizuka with Phillips and Richards to obtain the invention as specified in claims 29-30.

Regarding claim 31, Ishizuka further discloses wherein said computer network comprises the Internet (see Fig. 1 and paragraph 20).

8. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips as applied to claim 32 above, and further in view of Richards.

Phillips does not disclose expressly wherein said wireless interface comprises an infrared interface.

Richards discloses wherein said wireless interface comprises an infrared interface (see column 5 lines 10-14).

Phillips & Richards are combinable because they are from the same field of endeavor, memory modules attached to printing device consumables.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the infrared wireless interface, as described by Richards, with the system of Phillips.

The suggestion/motivation for doing so would have been to have an alternative wireless connection to a radio frequency interface, both of which are well known and commonly used wireless interfaces.

Therefore, it would have been obvious to combine Richards with Phillips to obtain the invention as specified in claim 35.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art please refer to the attached Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

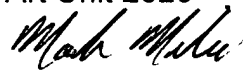
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Haskins can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Mark R. Milia  
Examiner  
Art Unit 2625



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